

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are presently active in this case, Claims 4, and 7-9 having been amended by the present amendment.

In the outstanding Official Action, Claims 4-9 were rejected under 35 U.S.C. §101 because the claims were directed to a non-statutory subject matter, specifically, the claims were not directed toward the final result that is “useful, tangible and concrete.” Claims 1-9 were rejected under 35 U.S.C. §102(e) as being anticipated by Underwood (USP 6,523,027 B1).

The present amendment to Claims 4 corrects a minor informality and does not raise any issues.

In response to the outstanding rejection of Claims 4-9 under 35 U.S.C. §101 as directed to a non-statutory subject matter, Claims 7-9 have been amended to define the subject invention in terms of “a computer readable medium having computer readable program codes embodied therein.” This wording is comparable to the wording suggested in the outstanding Office Action, and Applicants consider that such terminology is a widely used and considered statutory. Thus the rejection of Claims 7-9 under 35 U.S.C. §101 is believed to have been overcome by the present amendment and withdrawal thereof is respectfully requested.

Applicants respectfully traverse the rejection of Claims 4-6 under 35 U.S.C. §101 because in Applicants’ view the outstanding Office Action incorrectly contends that these claims are directed to “modules” which are computer programs that by themselves are not statutory subject matter. Claim 4 recites,

Claim 4 A resource management method to be used in a data management method in a data management system having a plurality of data operation modules configured to operate data which have different operation functions, for applying operations on data outputted from a data storage system and providing data to a processing of an application program, the resource management method comprising:
receiving a data operation request from the application program;
referring to a data operation module management table which is used at a time of combining the data operation modules; and
selecting and combining necessary data operation modules and outputting the selected and combined data operation modules such that the application program can carry out a desired operation by using the selected and combined data operation modules.

However, Claims 4-6 are actually directed to “a resource management method” corresponding to “a resource management system” of Claims 1-3 which are statutory. In fact, Claims 4-6 recite steps involving the manipulation of data operation modules, and Claims 4-6 are not claiming any computer programs per se. In particular, the “receiving” step of Claim 4 is clearly not a computer module/computer program per se as seems to be suggested in the outstanding Office Acton. The same is true of the “referring to a data operation module management table” step, whereas the “selecting and combining” step involves a quintessential manipulation of the data operation modules, and not a module-computer program per se. Furthermore, the outputting of the selected and combined data operation modules is a concrete, useful and tangible result having real world significance, i.e., enabling an application program to carry out a desired operation. For these reasons, it is respectfully submitted that Claims 4-6, like Claims 1-3, also state statutory subject matter under 35 U.S.C. §101. Withdrawal of this ground for rejection is therefore believed to be in order and is respectfully requested.

Applicants respectfully traverse the outstanding rejection of Claims 1-9 as being anticipated by Underwood.

In particular, Claim 1 is specifically directed to a resource management system to be used in a data management system for applying operations on data outputted from a data

storage system and providing data to a processing of an application program. The present resource management system provides the necessary processing resources to the application program whereby the application program can operate on data. This is accomplished by the claimed elements of the resource management system of Claim 1. To that end, upon receiving a data operation request from the application program, the resource manager recited in Claim 1 refers to a data operation module management table of a plurality of data operation modules for operating data which have different operation functions, and selects and combines necessary data operation modules and provides selected and combined data operation modules such that application program can carry out a desired operation by using the selected and combined data operation modules.

In contrast, Underwood only describes a system for providing an interface between a first server and a second server with a proxy component situated therebetween, which Applicants do not consider relevant because the claimed resource management system has absolutely nothing to do with an interface between servers.

Moreover, Applicants respectfully submit that Underwood clearly fails to disclose any system which has a plurality of data operation modules for operating data which have different operation functions, and a resource manager for managing resources represented by these data operation modules. In particular, Underwood completely fails to disclose any resource manager which selects and combines necessary data operation modules and outputs the selected and combined data operation modules in response to a data operation request received from an application program, such that the application program can carry out a desired operation by using the selected and combined data operation modules.

It is also pointed out that Applicants cannot ascertain which parts of Underwood are being referenced in the outstanding Office Action which refers to paragraph numbers not

provided in Underwood itself. Thus, Applicants are not in a position to understand exactly how the paragraph numbers are being counted because Underwood uses a rather complicated text format which makes it difficult to clearly see which part of the text should be counted as one paragraph. Therefore, if the Examiner disagrees with Applicants' view that the claims are not anticipated, the Examiner is requested to quote column and line numbers in order to clearly indicate which parts of Underwood are being quoted.

Moreover, it is also pointed out that the outstanding Office Action actually fails to quote the paragraph numbers for the claimed data operation modules so that Applicants cannot ascertain which elements of Underwood are considered as equivalent to the claimed data operation modules. Consequently, Applicants also cannot ascertain which element of Underwood is considered as equivalent to the claimed resource manager which is required to manage the data operation modules. Thus, if the rejection under 35 USC §102 is maintained, the Examiner is requested to clearly indicate which parts of Underwood are considered equivalent to the claimed data operation modules and the claimed resource manager, by quoting column numbers and line numbers

However, it should be apparent from the abstract and the summary of the invention of Underwood that Underwood is not at all related to a management of resources provided by a plurality of data operation modules with different operation functions by selecting and combining necessary data operation modules.

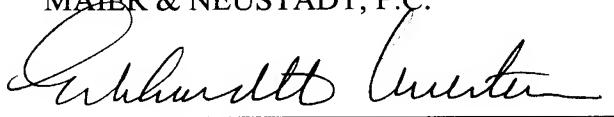
Thus, Applicants respectfully submit that it is quite impossible to consider Underwood as anticipating the resource management system of Claim 1, and withdrawal of this ground for rejection is believed to be in order and is respectfully requested.

The same argument also applies to the remaining Claims 2-9, and therefore it is respectfully submitted that the outstanding grounds for rejection have been overcome.

Consequently, in view of the present amendment and in light of the above comments, no further issues are believed to be outstanding, and the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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